



Action Agenda

Board of Commissioners
April 26, 2012
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 26, 2012, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Herb Frady, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Floyd L. Jones, Chief Deputy Clerk

Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

Acceptance of Agenda:

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. The motion passed unanimously.

Public Comment:

Randy Ognio: Mr. Ognio spoke of his concerns with several of the items on the agenda.

Consent Agenda:

Commissioner Horgan moved to approve Consent Agenda Items 1-7. Commissioner Hearn seconded the motion. The motion passed unanimously.

1. **Approval of staff's recommendation to create a capital project budget account for the Public Safety Headquarters/EOC using the funds in the amount of \$1.3 million available in Capital Project No. 0550B.**

2. **Approval of staff's recommendation to award Bid #823 to Tribond, American Facility Services, and Chi-Ada Corp. for custodial services at the Water System Offices, Public Works, Driver Services, Public Defenders, 911 and the Library effective July 1, 2012 at an aggregate yearly cost of \$27,671.52.**
3. **Approval of staff's recommendation to award Bid #824 to Star Valley Landscape Solutions, 3-D Landscaping & Lawn Services, Inc. and North Georgia Landscaping & Construction Group LLC. for the Justice Center, Brooks Park, Kiwanis Park, and McCurry Park Grass Mowing, effective July 1, 2012, at an aggregate yearly cost of \$58,212.05 or \$57,764.05 with a 2% discount from 3-D Landscaping.**
4. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$1,529.97 for reimbursement for employees assigned to work with various Federal agencies.**
5. **Ratification of the Board's action on April 12, 2012 to approve the request from Promise Place for authorization to file a grant application in Fayette County's name with the Department of Community Affairs in the amount of \$30,000; and authorization for the Chairman to execute said application pending review of the County Attorney.**
6. **Approval of Resolution No. 2012-09 authorizing a referendum election on July 31 to determine whether or not the package sales by retailers of package malt beverages, wine and distilled spirits in unincorporated Fayette County should be allowed on Sundays.**
7. **Approval of minutes for the April 12, 2012 Board of Commissioners' meeting.**

Old Business:

1. **Discussion of the Fayette County Parks and Recreation Needs Assessment Survey Results as presented by Darryl Hicks of the Fayette County Recreation Commission.**

The Board took no action on this item.

New Business:

1. **Consideration of proposed revisions to the Parks and Recreation Policy and Procedures Manual.**

Commissioner Brown moved to approve staff's request to revise the Parks and Recreation's Policies and Procedures Manual as presented by the Fayette County Recreation Commission. Commissioner Horgan seconded the motion. The motion passed unanimously.
2. **Consideration of staff's recommendation to dispose of timber associated with the Snead Road West project.**

Commissioner Brown moved to approve staff's recommendation to dispose of timber from the Snead Road West project via a requisition, GovDeals, or other advertising means. Chairman Frady seconded the motion. The motion passed unanimously.

Administrator's Reports:

New Budget Meeting Date Scheduled for May 24, 2012: County Administrator Jack Krakeel reminded the Commissioners that staff had previously scheduled the Board for the dates of May 8 and May 9 to hold budget meetings, but now there is a conflict that requires the cancellation of the meeting on May 8. He requested a replacement date from the Board so that staff could be properly prepared to provide it with the budget information and schedule any meetings that may be needed. He asked if the Board could find a date during the week of May 21, 2012. The Board consented to meet on May 24, 2012 for several hours prior to the regularly scheduled Board of Commissioners meeting. It was further agreed that the meeting would begin at 4:00 p.m., and that the SPLOST meeting would be cancelled to accommodate this request.

Announcement of Retirement: County Administrator Jack Krakeel announced that during the previous two days he delivered to the Board his official notification of his retirement date from Fayette County Government. He announced that his retirement would become effective July 1, 2012. He stated that he has had a tremendous career in Fayette County from a personal perspective, having worked for Fayette County for 28 years, but in consultation with his family and after much thought and consideration, he determined it was the appropriate time to retire. He said he wanted to make the announcement collectively to the Board, even though he had spoken individually to each Commissioner, but also to inform his staff who have been wondering about this issue. He told the Board that he has appreciated the confidence the Board has had in him for the last five years and he thanked the Board for the opportunities that were presented to him over these 28 years.

Commissioner Brown thanked Mr. Krakeel for his service.

Commissioner McCarty requested that Mr. Krakeel make himself available to the Board for a while until someone could take his place. Mr. Krakeel replied that he would be more than glad to assist the Board through a transition process since it is permissible in the County's retirement plan to do that for certain key positions. He said this is a decision that the Board would have to make, but he repeated that he would certainly be willing to assist the County through the appropriate transition process after the July date. Chairman Frady said he had spoken to Mr. Krakeel about this issue, and that Mr. Krakeel had indicated he would make himself available up until the first of the next year. He continued that in the process of the budget and other issues going on, he thought it would be appropriate for the Board to keep Mr. Krakeel on in that capacity even though he would get a salary without benefits. Mr. Krakeel clarified that the way the Internal Revenue Service's (IRS) regulations work regarding a transitional period for key employees that have effectively retired, those individuals are not permitted to draw their retirement pay since they would continue in the same capacity as they are currently employed; although they are effectively, for the purposes of the retirement plan, retired July 1, 2012. He further clarified that everything else would stay the same concerning compensation, benefit levels, but that individual would not be eligible to draw retirement until after employment is terminated.

Chairman Frady told Mr. Krakeel that he had been with Fayette County for 20 out of Mr. Krakeel's 28 years with the County, and he said that Mr. Krakeel had been very outstanding in everything he endeavored to do for the County through his assignments. He continued that Mr. Krakeel has had national attention from Fire Services throughout the United States, and that he had reached the pinnacle of success. He thanked Mr. Krakeel for his service, said he had enjoyed working with him, and he added that Mr. Krakeel is a hard worker who gets the job done, and that he and the current and past Boards have appreciated him as well. The Board and audience applauded Mr. Krakeel. Chairman Frady closed saying the Board is not looking forward to Mr. Krakeel leaving the County.

Attorney's Reports:

Remarks about County Administrator Jack Krakeel: County Attorney Scott Bennett began by saying he works with County Administrator Jack Krakeel every day, and that he did not think people realize how much Fayette County would miss him and how much he does. He said he has worked with more than a few city managers and county administrators and county managers, and that he hoped everyone appreciated all Mr. Krakeel does. He said when someone works in other governments, such as he has done, it is easy to see how things do not run at times, but by working at Fayette County he has seen how the work is done. He continued that the way Mr. Krakeel has structured the County's Policy Manual, through the efforts to work on the County's Code, and the other "big things that happen here" since Mr. Krakeel became the County Administrator, coupled with the day to day tasks, should be appreciated by the citizens of Fayette County.

County Attorney Scott Bennett informed the Board that Fayette County made the news recently concerning a judge vacating the Consent Order pertaining to the County's lawsuit with the National Association for the Advancement of Colored People's (NAACP) and the Fayette County Board of Education (BOE). He said that there is probably a question out there about why did Fayette County get involved with the BOE's business to start with, but the answer is that the County intervened and filed a motion to vacate that order. He explained that the reason Fayette County took that step, as spelled out in the order, was because there were intimations and statements in the Consent Order that made it appear that the NAACP was the prevailing party and that the allegations in their complaint were true, and that there was a Section 2 Violation. He said the remedy that was agreed to did not fashion a Section 2 Violation since it did not create a minority-majority district of a cohesive voting block. He continued explaining that Fayette County's problem with the Consent Order was that the County was still fighting a lawsuit that the BOE had the judge sign off saying the County would lose the lawsuit without that understanding being established. He informed the Board that the one thing the judge ordered in the order vacating the Consent Order was whether or not there had been established a Section 2 Violation. He concluded that Fayette County's interests were directly effected, that the intent was not to keep the BOE from doing what it wants since there is another way to accomplish what they want to do without the judge getting involved, but they did not take that path. He continued that in the Order to Vacate, the judge pointed out that the order was presented to him as a Consent Order, but they did not notify the judge that Fayette County had no part in it or agree to it or had even seen it. He said the judge was under the impression that Fayette County had no problem with it, so one of the reasons he Vacated his Order was to give Fayette County a chance to present a case as to why the order was inappropriate. He clarified that the County did not just jump into the BOE's business and stop them from doing what they wanted to do, but that the County took the effort because the BOE's decision had an adverse impact on a case that the County is moving forward with. He added that the briefs for this case were due next week, and then the week after that for responses, and the judge will set a hearing up after those response briefs are filed to consider this issue.

Chairman Frady asked if this has effect on the County's reapportionment work. Mr. Bennett replied that the reapportionment, meaning the County's attempt to have five districts with at-large voting, is a separate lawsuit from the previous discussion, and that issue is pending with the Justice Department. He said the judge has approved the proposed five-district map, but now the Justice Department needs to approve it under Section 5.

Commissioners' Reports:

Commissioner Allen McCarty: Commissioner McCarty told County Administrator Jack Krakeel that he did not always agree with what he did, but he did what his instructions were and he did it well. He said Mr. Krakeel did one of the finest jobs at doing his job of anyone that he has ever worked with, and he thanked Mr. Krakeel for his work.

Commissioner Lee Hearn: Commissioner Hearn replied to Mr. Randy Ognio that the roadwork at State Route 85 and Bernhard Road is a Georgia Department of Transportation (GDOT) project, and GDOT has complete control on that project. He said the County would be happy to pass the information along and ask for a finish date, but the GDOT often does only what it wants to do on construction projects in Fayette County. He then thanked Chief Financial Officer Mary Holland and said it was good to see her in the audience. He then told County Administrator Jack Krakeel that he, as Fire Chief, often talked him into more work than he should have committed to as the Public Works Director in terms of grading fire stations, and hauling dirt, and resurfacing. He noted that he would be more careful with Fire Chiefs from now on as a result of his dealings with Mr. Krakeel. He then told Mr. Krakeel that the Board does appreciate the work he has done, that he would be sorely missed, and that he thought there would be some "fish that will be taking it on th chin" as a result of his retirement.

Executive Session:

Real Estate Acquisition and Litigation: Chairman Frady moved to recess into Executive Session to discuss Real Estate Acquisition and Litigation matters. Commissioner McCarty seconded the motion. The motion passed unanimously.

The Board recesses into Executive Session at 8:03 p.m. and returned to Official Session at 8:20 p.m.

Executive Session Affidavit: Chairman Frady asked the record to reflect that the Board discussed Real Estate Acquisition and Litigation matters during Executive Session and that no decisions had been made.

Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition and Litigation matters were discussed in Executive Session. Commissioner McCarty seconded the motion. The motion passed unanimously.

Adjournment:

Commissioner Brown moved to adjourn the April 26, 2012 Board of Commissioners meeting. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board of Commissioners adjourned the April 26, 2012 Board of Commissioners meeting at 8:20 p.m.

Floyd L. Jones, Chief Deputy Clerk